REMARKS

Claims 1-33 are pending in the Application, and all have been rejected in the Office action mailed November 20, 2006. Claims 1, 9, 11, 15, 18, 19 and 20 have been amended in this response. Claims 1 and 18 are independent claims. Claims 2-17 and 19-33 depend, respectively, from independent claims 1 and 18.

The Applicants respectfully request reconsideration of the pending claims 1-33, in light of the following remarks.

Rejections of Claims

Rejections Under 35 U.S.C. §101

Claims 1-33 were rejected under 35 U.S.C. §101. The Applicants respectfully traverse the rejection. Notwithstanding, Applicants have amended claims 1, 9, 11, 15, 18, 19, and 20 as shown above to more clearly describe the claimed invention, believe that claims 1-33 comply with 35 U.S.C. §101, and respectfully request that the rejection of claim 1-33 under 35 U.S.C. §101 be withdrawn.

Rejections Under 35 U.S.C. §112

Claims 1-33 were rejected under 35 U.S.C. §112, second paragraph. The Applicants respectfully traverse the rejection. Notwithstanding, Applicants have amended claims 1, 9, 11, 15, 18, 19, and 20 as shown above to more clearly describe the claimed invention, believe that claims 1-33 comply with 35 U.S.C. §112, second paragraph, and respectfully request that the rejection of claim 1-33 under 35 U.S.C. §112, second paragraph, be withdrawn.

Rejections Under 35 U.S.C. §103

Claims 1-33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kinoshita (US 4,493,083) in view of Foster (US 6,675,382). The Applicants respectfully

traverse the rejection. Notwithstanding, Applicants have amended claims 1, 9, 11, 15, 18, 19 and 20 to more clearly describe the subject matter of the claims.

The Applicants respectfully submit that the Examiner has failed to establish a case of *prima facie* obviousness for at least the reasons provided below. M.P.E.P. §2142 clearly states that "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness." The M.P.E.P. §2142 goes on to state that "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure."

With regard to amended claim 1, Applicants respectfully submit that the proposed combination of Kinoshita and Foster fails to teach, suggest or disclose, for example, a system for generating efficient and compact update packages for updating contents of memory in an electronic device utilizing source and target images of the contents, the system comprising at least one processor communicatively coupled to storage containing code executable by the at least one processor, the code comprising a parser for generating distance files comprising distance information representing location differences between code or objects in the source image and the target image; a bubble generator for generating bubble information from the distance information, the bubble information representing addition and deletion of memory space in the source image to more closely align the code or objects in the source and target images; a configuration manager for facilitating configuration of memory elements of the electronic device; a bubble layout manager for modifying the source image to look similar to the target image, based upon the bubble information; and a generator for generating at least one update package from the modified source image and the target image, for processing in

the electronic device to update the memory. More specifically, the Kinoshita and Foster references, taken alone or in combination, fail to teach or suggest, at least, "...a parser for generating distance files comprising distance information representing location differences between code or objects in the source image and the target image...". Applicants respectfully submit that neither Kinoshita nor Foster make any mention of, for example, location distances between code or objects in memory images, of source and target images of memory, or of generating distance files from such information.

Applicants also respectfully submit that Kinoshita and Foster, taken alone or in combination, fail to teach or suggest, at least, "...a bubble generator for generating bubble information from the distance information, the bubble information representing addition and deletion of memory space within the source image to more closely align the code or objects in the source and target images...". Applicants respectfully submit that neither Kinoshita nor Foster teach anything with respect to alignment of code or objects in source and target images of memory, or of generating information representing addition and deletion of space within a memory images

In addition, Applicants respectfully submit that Kinoshita and Foster, taken alone or in combination, fail to teach or suggest, at least, "...a bubble layout manager for modifying the source image to look similar to the target image, based upon the bubble information...". Applicants' respectfully submit that neither Kinoshita nor Foster make any mention of modifying an image of memory based upon information representing addition and deletion of memory space within the source image, in accordance with Applicants' claim 1.

Applicants also respectfully submit that Kinoshita and Foster, taken alone or in combination, fail to teach or suggest, at least, "...a generator for generating at least one update package from the modified source image and the target image, for processing in the electronic device to update the memory...". Kinoshita and Foster make no mention of a modified source image of memory, let alone generating at least one update package for processing in the electronic device from the modified source image.

Based at least upon the above, the Applicants respectfully submit that the proposed combination of Kinoshita and Foster fails to teach or suggest all of the

limitations of Applicants' claim 1, as required by M.P.E.P. §2142, that the Office action has failed to establish a *prima facie* case of obviousness, and the rejection of claim 1 under 35 U.S.C. 103(a) cannot stand.

Therefore, Applicants believe that claim 1 of the Application is allowable, for at least the reasons set forth above. Applicants respectfully submit that claims 2-17 depend either directly or indirectly from claim 18 and are, therefore, also allowable for at least the reasons set forth above with respect to claim 1. Applicants, therefore, respectfully request that the rejection of claims 1-17 under 35 U.S.C. §103(a), be withdrawn.

With regard to amended claim 18, the Applicants respectfully submit that the proposed combination of Kinoshita and Foster fails to teach, suggest or disclose, for example, a method for generating efficient and compact update packages for updating contents of memory in an electronic device, utilizing source and target images of the contents, the method comprising the steps of identifying files comprising code or objects of the source image; identifying files comprising code or objects of the target image; creating one or more distance files for the source and the target images, the one or more distance files comprising information representing differences of location of the code or objects in the source and target images; generating bubble information using the one or more distance files, the bubble information representative of addition and deletion of memory space within the source image; applying the bubble information to the source image to create a modified source image in which the code or objects more closely align with corresponding code or objects in the target image; generating an update package using the modified source image and the target image; and outputting the update package and the bubble information to the electronic device for processing to update the memory. More specifically, the Kinoshita and Foster references, taken alone or in combination, fail to teach or suggest, at least, "...creating one or more distance files for the source and the target images, the one or more distance files comprising information representing differences of location of the code or objects in the source and target images...." Applicants respectfully submit that neither Kinoshita nor

Foster make any mention of, for example, location distances between code or objects in memory images, of source and target images of memory, or of generating distance files from such information.

Applicants also respectfully submit that Kinoshita and Foster, taken alone or in combination, fail to teach or suggest, at least, "...generating bubble information using the one or more distance files, the bubble information representative of addition and deletion of memory space within the source image..." and "...applying the bubble information to the source image to create a modified source image in which the code or objects more closely align with corresponding code or objects in the target image...". Applicants respectfully submit that neither Kinoshita nor Foster teach anything with respect to alignment of code or objects in source and target images of memory, of generating information representing addition and deletion of space within a memory images, or of creating a modified source image, in accordance with Applicants' claim 18.

Applicants also respectfully submit that Kinoshita and Foster, taken alone or in combination, fail to teach or suggest "...generating an update package using the modified source image and the target image;..." and "...and outputting the update package and the bubble information to the electronic device for processing to update the memory...". Kinoshita and Foster make no mention of a modified source image of memory, let alone outputting an update package and bubble information representative of addition and deletion of memory space within the source image for processing in the electronic device to update the memory in the electronic device, in accordance with Applicants' claim 18.

Based at least upon the above, the Applicants respectfully submit that the proposed combination of Kinoshita and Foster fails to teach or suggest all of the limitations of Applicants' claim 18, as required by M.P.E.P. §2142, that the Office action has failed to establish a *prima facie* case of obviousness, and the rejection of claim 18 under 35 U.S.C. 103(a) cannot stand.

Therefore, Applicants believe that claim 18 of the Application is allowable, for at least the reasons set forth above. Applicants respectfully submit that claims 19-33

depend either directly or indirectly from claim 18 and are, therefore, also allowable for at least the reasons set forth above with respect to claim 18. Applicants, therefore, respectfully request that the rejection of claims 18-33 under 35 U.S.C. §103(a), be withdrawn.
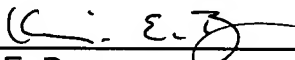
Conclusion

In general, the Office Action makes various statements regarding claims 1-33 and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicants believe that all of pending claims 1-33 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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